

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
PATTERSON LOUISSAINT,

Plaintiff,

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY  
POLICE DEPARTMENT, POLICE OFFICER  
BENJAMIN LOPEZ-Shield No. 2437, POLICE  
OFFICER LOUIS DEFRANCO and JOHN DOES-Police  
Officers as yet unidentified,

Defendants.  
-----X

Index No.:

COMPLAINT

Plaintiff, by his attorneys, RUBENSTEIN & RYNECKI, ESQS., complaining of the defendants herein, upon information and belief, respectfully shows to this Court, and alleges as follows:

**AS AND FOR A FIRST CAUSE OF ACTION FOR ASSAULT  
AND BATTERY ON BEHALF OF PATTERSON LOUISSAINT**

1. That at all times hereinafter mentioned, plaintiff was and still is a resident of the County of Kings, City and State of New York.
2. That all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK, was and still is a municipal corporation, duly organized and existing pursuant to the laws of the State of New York.
3. That the defendant, THE CITY OF NEW YORK, maintains a police force known as the NEW YORK CITY POLICE DEPARTMENT.
4. That prior hereto on July 15, 2015, and within the time prescribed by law, a sworn Notice of Claim stating, among other things, the time when and place where the injuries and damages were sustained, together with plaintiff's demands for adjustment or payment thereof, and that thereafter the CITY OF NEW YORK refused or neglected for more than (30) days and up to the commencement of this action to make any adjustment or payment thereof, and that thereafter, and within the time provided by law, this action was commenced.

5. That prior hereto on August 10, 2015, and within the time prescribed by law, a sworn Amended Notice of Claim stating, among other things, the time when and place where the injuries and damages were sustained, together with plaintiff's demands for adjustment or payment thereof, and that thereafter the CITY OF NEW YORK refused or neglected for more than (30) days and up to the commencement of this action to make any adjustment or payment thereof, and that thereafter, and within the time provided by law, this action was commenced.

6. Pursuant to the General Municipal Law, the Statutory 50-H hearing of plaintiff has not been held. A date for said hearing is in the process of being scheduled.

7. That on June 5, 2015, and at all times hereinafter mentioned and upon information and belief, defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, employed POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, as agents, servants and/or employees.

8. That on June 5, 2015, and at all times hereinafter mentioned and upon information and belief, the plaintiff, PATTERSON LOUISSAINT, was lawfully present at or near the intersection of Newkirk Avenue and Flatbush Avenue, County of Kings, City and State of New York.

9. That on June 5, 2015, and at all times hereinafter mentioned and upon information and belief, the plaintiff, PATTERSON LOUISSAINT, was assaulted and battered by defendants, POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, who were acting within the scope of their employment with the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, at the aforesaid premises.

10. That on June 5, 2015, and at all times hereinafter mentioned and upon information and belief, the aforementioned assault and battery was performed knowingly, intentionally and willfully.

11. That on June 5, 2015, and at all times hereinafter mentioned and upon information and belief the defendants, POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, who committed the aforementioned assault and battery upon the plaintiff, PATTERSON LOUISSAINT, were acting within the scope of their employment with the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

12. That on June 5, 2015, and at all times hereinafter mentioned and upon information and belief, the assault and battery on the plaintiff was without probable cause and was not the result of an appropriate arrest.

13. By reason of said assault and battery the plaintiff was caused to suffer severe and serious injuries in and about diverse parts of the person, and suffered great pain, distress, mental shock, mental anguish and psychological trauma and was otherwise injured.

14. By the reason of the foregoing, the plaintiff, PATTERSON LOUISSAINT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENT  
HIRING AND RETENTION ON BEHALF OF PATTERSON LOUISSAINT**

15. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "14" inclusive with the same force and effect as if more fully set forth at length herein.

16. That defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, did not exercise reasonable care and diligence in the selection, engagement, employment and training of their agents, servants, and employees and were negligent in the hiring, training and retention of the defendants, POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, who assaulted, battered and violated the civil rights of the plaintiff, PATTERSON LOUISSAINT.

17. That the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, had prior knowledge of the inappropriate, unlawful, and improper conduct of the defendants, POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, and continued to employ them and allowed them to be in contact with the public at large.

18. By the reason of the foregoing, the plaintiff, PATTERSON LOUISSAINT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A THIRD CAUSE OF ACTION FOR FALSE  
ARREST ON BEHALF OF PATTERSON LOUISSAINT**

19. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "18" inclusive with the same force and effect as if more fully set forth at length herein.

20. That on June 5, 2015, and at all times hereinafter mentioned and upon information and belief, defendants POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, were working within the scope of their employment and authority with defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, when they arrested and confined the plaintiff, PATTERSON LOUISSAINT.

21. That on June 5, 2015, and at all times hereinafter mentioned and upon information and belief, the arrest and confinement was without probable cause nor based on reasonable grounds and not founded upon an arrest warrant.

22. That as a result of the aforesaid false arrest and confinement, plaintiff, PATTERSON LOUISSAINT, sustained serious permanent personal injuries along with humiliation, shame, indignity, damage to reputation and credit and suffered emotional and physical distress and injuries.

23. By the reason of the foregoing, the plaintiff, PATTERSON LOUISSAINT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR FALSE  
IMPRISONMENT ON BEHALF OF PATTERSON LOUISSAINT**

24. The plaintiff repeats and realleges each and every allegation set forth above numbered "1 through "23" inclusive with the same force and effect as if more fully set forth at length herein.

25. That on June 5, 2015, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, were acting within the scope of their employment when they, without justification and without probable cause, imprisoned the plaintiff.

26. That defendants, POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, while acting within the scope of their employment, intentionally confined the plaintiff against his will and said confinement was not privileged.

27. By the reason of the foregoing, the plaintiff, PATTERSON LOUISSAINT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A FIFTH CAUSE OF ACTION FOR INTENTIONAL  
AND NEGLIGENT INFLECTION OF EMOTIONAL  
DISTRESS ON BEHALF OF PATTERSON LOUISSAINT**

28. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "27" inclusive with the same force and effect as if more fully set forth at length herein.

29. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers

as yet unidentified, acted intentionally, recklessly and with utter disregard to the consequences of their actions and caused severe emotional distress to the plaintiff through their actions.

30. Said actions exceeded all reasonable bounds of decency, were outrageous and shocking and resulted in severe emotional distress to the plaintiff, PATTERSON LOUISSAINT.

31. That as a result of said intentional and negligent acts, the plaintiff, PATTERSON LOUISSAINT, become sick, sore, lame and disabled, received severe and serious injuries in and about diverse parts of his person and suffered great physical pain, distress, mental shock, mental anguish and psychological trauma and was otherwise injured.

32. By reason of the foregoing, the plaintiff, PATTERSON LOUISSAINT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A SIXTH CAUSE OF ACTION FOR MALICIOUS PROSECUTION ON BEHALF OF PATTERSON LOUISSAINT**

33. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "32" inclusive with the same force and effect as if more fully set forth at length herein.

34. That on June 5, 2015, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, within the scope of their employment, without justification, without probable cause, created and submitted an erroneous police report in an effort to cover up the aforesaid and initiate a prosecution in bad faith.

35. That on June 5, 2015, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, were acting within the scope of their employment, maliciously prosecuted the plaintiff.



36. That on June 5, 2015, and at all times hereinafter mentioned and upon information and belief, as a result of the aforesaid malicious prosecution, plaintiff sustained serious, permanent, personal injuries along with humiliation, shame, indignity, damage to reputation and credit, legal fees, loss of employment opportunities and suffered emotional and physical distress and injury.

37. By reason of the foregoing, plaintiff, PATTERSON LOUISSAINT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A SEVENTH CAUSE OF ACTION FOR CIVIL  
RIGHTS VIOLATION ON BEHALF OF PATTERSON LOUISSAINT**

38. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "37" inclusive with the same force and effect as if more fully set forth at length herein.

39. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, were acting under the color of law and within the scope of their authority, assaulted, battered, falsely arrested and falsely imprisoned the plaintiff, PATTERSON LOUISSAINT, in violation of 42 U.S.C.A. section 1983 as well as other applicable state and federal laws.

40. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, acting under color of law and within the scope of their authority, deprived the plaintiff, PATTERSON LOUISSAINT, of liberty without due process and without reasonable cause in violation of 42 U.S.C.A. Section 1983 as well as other applicable state and federal laws.

41. The defendants had deprived the plaintiff by their actions of his civil rights as guaranteed by statute.

42. That the assault, battery, false arrest and false imprisonment was in violation of the civil rights of the plaintiff, more particularly, 42 U.S.C.A. Section 1983 as well as other applicable state and federal laws.

43. That the deprivation by the defendants of plaintiff's civil rights was a result of said defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, acting under color of law and within their authority as law enforcement officers within the employ of defendants, THE NEW YORK CITY POLICE DEPARTMENT.

44. That the defendants' actions were not privileged or immune.

45. That the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, were not acting with immunity when they deprived plaintiff of his civil rights.

46. By the reason of the foregoing, the plaintiff, PATTERSON LOUISSAINT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR AN EIGHTH CAUSE OF ACTION FOR  
PUNITIVE DAMAGES ON BEHALF OF PATTERSON LOUISSAINT**

47. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "46" inclusive with the same force and effect as if more fully set forth at length herein.

48. The actions of the defendants herein-above alleged, were malicious, willful and grossly negligent.

49. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, authorized, permitted and ratified the unlawful and negligent acts of their agents, servants and/or employees, including but not limited to POLICE OFFICER



BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER LOUIS DEFRANCO and JOHN DOES-Police Officers as yet unidentified, herein-above alleged.

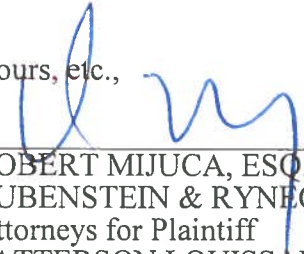
50. By the reason of the foregoing, the plaintiff, PATTERSON LOUISSAINT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**WHEREFORE**, plaintiff, PATTERSON LOUISSAINT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **First** Cause of Action; plaintiff, PATTERSON LOUISSAINT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Second** Cause of Action; plaintiff, PATTERSON LOUISSAINT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Third** Cause of Action; plaintiff, PATTERSON LOUISSAINT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Fourth** Cause of Action; plaintiff, PATTERSON LOUISSAINT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Fifth** Cause of Action; plaintiff, PATTERSON LOUISSAINT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Sixth** Cause of Action; plaintiff, PATTERSON LOUISSAINT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Seventh** Cause of Action; plaintiff, PATTERSON LOUISSAINT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts

on the **Eighth** Cause of Action; together with attorneys' fees, and the costs and disbursements of this action.

DATED: Brooklyn, New York  
April 19, 2016

Yours, etc.,



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ROBERT MIJUCA, ESQ.  
RUBENSTEIN & RYNECKI, ESQS.  
Attorneys for Plaintiff  
PATTERSON LOUISSAINT  
16 Court Street Suite 1717  
Brooklyn, New York 11241  
(718) 522-1020  
File No.:15LP06-05

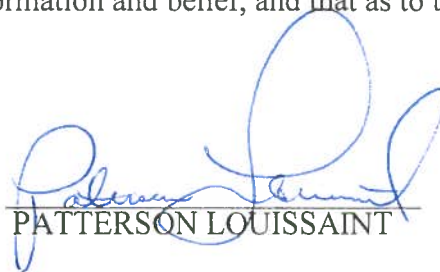
INDIVIDUAL VERIFICATION

STATE OF NEW YORK            )

) SS:

COUNTY OF KINGS            )

PATTERSON LOUISSAINT, being duly sworn, deposes and says, that deponent is the plaintiff in the within action; that deponent has read the foregoing COMPLAINT and knows the contents hereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters deponent believes them to be true.

  
PATTERSON LOUISSAINT

Sworn to before me this 21  
day of April, 2016

  
NOTARY PUBLIC

**MAGDA MARIN-COLON**  
Notary Public, State of New York  
No. 01MA6158891  
Qualified in Richmond County  
Commission Expires 1-16-2019

PLEASE take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on

Dated,

Yours, etc.

**RUBENSTEIN & RYNECKI ESQS.**

*Attorneys for*

*Office and Post Office Address*  
16 COURT ST.  
BROOKLYN, N.Y. 11241

To

Attorney(s) for

NOTICE OF SETTLEMENT

PLEASE take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on

M.

Dated,

Yours, etc.

**RUBENSTEIN & RYNECKI ESQS.**

*Attorneys for*

*Office and Post Office Address*  
16 COURT ST.  
BROOKLYN, N.Y. 11241

To

Attorney(s) for

Index No.

Year

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

**PATTERSON LOUISSAINT,**

**Plaintiff,**

**-against-**

**THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT  
POLICE OFFICER BENJAMIN LOPEZ-Shield No. 2437, POLICE OFFICER  
DEFRANCO and JOHN DOES-Police Officers as yet unidentified,**

**Defendants.**

**SUMMONS AND COMPLAINT**

Signature (Rule 130-1.1-a)

Print name beneath

**Plaintiff**

**RUBENSTEIN & RYNECKI ESQS.**

*Attorneys for*

*Office and Post Office Address, Telephone*  
16 COURT ST.  
BROOKLYN, N.Y. 11241  
(718) 522-1020

To

Attorney(s) for

Service of a copy of the within is hereby admitted.  
Dated

.....

Attorney(s) for